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DATE:	November 25, 2003	TOTAL # OF PAGES: (INCLUDING THIS COVER SHEET)	<u>4</u>
TO:	Examiner Arun K. Chakrabarti	FAX #:	(703) 746-4979
FIRM NAME:	UNITED STATES PATENT AND TRADEMARK OFFICE	PHONE #:	
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FROM:	David C. Foster, Ph.D.	FAX #:	(415) 398-3249
PHONE #:	(415) 544-7085	EMAIL:	foster.david@dorsey.com

COMMENTS:

Re: U.S. Patent Application
Inventors: CHEE, et al.
Serial No.: 09/785,514
Filed: February 16, 2001
For: ***Parallel Genotyping of Multiple Patient Samples***
Our File No.: A-68970-1/RMS/DCF (469249-154)

Dear Examiner Chakrabarti:

Attached is a Terminal Disclaimer in the above-referenced application.

ORIGINAL WILL BE SENT VIA: ☐ MAIL ☐ E-MAIL ☐ MESSENGER ☐ AIR COURIER ☒ WILL NOT BE SENT

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REFERENCE # A-68970-1/RMS/DCF (469249-154)

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USA CANADA EUROPE ASIA

Atty. Docket No.: A-68970-1/RMS/DCF/KJC [469249-154] **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FAN *et al.*

Serial No.: 09/785,514

Filed: February 16, 2001

For: **PARALLEL GENOTYPING OF
MULTIPLE PATIENT
SAMPLES**

Examiner: CHAKRABARTI, Arun K.

Group Art Unit: 1634

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated:

August 28, 2003

Signed:

Muri Kleinerman
Muri Kleinerman

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed you will find a check for \$55.00 to cover the requisite fee for the Terminal Disclaimer submitted herein. Please charge any additional fees, including extension fees, or credit overpayments, to Deposit Account No. 50-2319 (Order No. A-68970-1/RMS/DCF/KJC).

Illumina, Inc. represents they are the assignees of the entire right, title and interest of U.S. Patent Application Serial No. 09/785,514 filed February 16, 2001. Written assignment proof of such assignment vested in Illumina, Inc. for said application is recorded in the United States Patent and Trademark Office at Reel/Frame 012048/0236.

SF-1118719_1 TD2

1

Serial No.: 09/785,514
Filed: February 16, 2001

Illumina, Inc. hereby disclaims that terminal portion of any patent granted on said U.S. Patent Application Serial No. 09/785,514, filed February 16, 2001 that would extend beyond the expiration date of U.S. Patent 6,355,431, and hereby warrants that any patent so granted on said U.S. Patent Application Serial No. 09/785,514 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said U.S. Patent No. 6,355,431, this disclaimer to run with any patent granted on said U.S. Patent Application Serial No. 09/785,514 and to be binding upon the grantee/assignee, its successors or assigns.

The Assignee has reviewed the evidentiary documents referred to in the present Terminal Disclaimer in the chain of title of the present application and patent identified above, and it is certified that, to the best of assignee's knowledge and belief, title is in the assignees Illumina, Inc. identified above.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, of U.S. Patent 6,355,431, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims

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P.4

PAGE 7/7

Serial No.: 09/785,514
Filed: February 16, 2001

canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Date: Aug. 28, 2003

Signature: John R. Stuelpnagel
John R. Stuelpnagel
Senior Vice President, Operations

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